

Oak Ridge Reservation (ORR) Environmental Management Disposal Facility (EMDF) Record of Decision (ROD)

Region 4's Proposed Path Forward for the Principals

Background/Introduction:

- OLEM, Region 4, OGC, OECA and OW staff and managers have discussed the ORR ROD issues presented below. Region 4 proposes the following path forward that we think addresses all of the Principals' issues and is a proposal that Region 4 thinks DOE Oak Ridge Reservation and the state of Tennessee (TN) can agree. If accepted by the Principals, Region 4 will submit this path forward to DOE Oak Ridge and TN.
- The Environmental Management Disposal Facility (EMDF) is a \$537M+ landfill to be designed and constructed to safely secure large quantities of contaminated building debris and soil, resulting from planned CERCLA cleanup activities at the Oak Ridge Reservation Superfund NPL site.
- DOE Oak Ridge Office of Environmental Management (OREM) has indicated that almost a year has passed since the dispute decision and they are ready to move forward on the draft ROD, which is a very high priority for the DOE and TN. Approval of the ROD is needed for DOE to obligate funding of the remedial design and post-ROD groundwater study.
- EPA Administrator Wheeler's dispute decision (12/31/20) states that, for the purposes of calculating radionuclide discharge effluent limits: "at ORR, the EPA will not require use of default exposure assumptions from CWA guidance documents regarding fish consumption to develop PRGs, or any other default exposure assumptions that are in dispute, such as ingestion."

Proposed Path Forward:

1. **Development of in-stream water quality values for radionuclides:**

Recommendation: Use a fish ingestion rate of 17.5 g/day, 365 days/year, per TN's water quality standards (WQS) and as proposed by OW. Also use a 26-year exposure duration based on site specific factors which OW agreed to. The other assumptions and risk equations are as presented in the CWA guidance.

2. **Effluent discharge limits based on in-stream water quality values:**

Recommendation: Set effluent discharge limits (aka effluent limits) in a post-ROD document, based on the in-stream values that would be included in the ROD. This is the same process that chemicals with AWQCs will be handled. The ROD will state that effluent limits will be calculated consistent with NPDES regulations. Since the EMDF has not yet been designed or constructed, the engineering design inputs to calculate effluent limits per NPDES are not yet available. The dispute decision specifically calls for effluent limits in the ROD, but this proposal is to provide them in a post-ROD document when the data is available to accurately calculate the effluent limits. This is agreeable to all three parties.

3. **Public Participation Plan:**

Public engagement plans, agreed to by the three parties, are as follows:

- The information for public review and comment will reflect FFA parties' (DOE, EPA and TDEC) agreements on the three topics and will be consistent with revisions to the draft ROD and the to-be-revised Focused Feasibility Study (FFS).
- The information provided will be in the form of three fact sheets.
- The fact sheets will address the following topics. Note: DOE has agreed to publish the fact sheets in English and Spanish:
 1. Waste Acceptance Criteria;
 2. Wastewater Limits (mercury and radionuclides); and

3. Site selection (e.g., groundwater levels, plan for the Post-ROD demonstration involving groundwater levels and associated design basis, and ARAR waivers/exemptions, etc.).
 - The fact sheets will be reviewed and approved by the FFA parties prior to public release. A working group has been convened.
 - General EMDF information, as well as the three fact sheets, will be provided online and presented in a virtual public meeting. This includes an online video and dedicated webpage.
 - A 30-day public comment period will be held and responses to comments will be included in the Responsiveness Summary of the ROD.
 - Notifications of meeting via public notice, email messages, social media posts and word of mouth.
 - DOE has asked the EPA and TN to help them become prepared to submit the public notice in early January; allowing for adequate public participation and still meet DOE's deadlines for ROD approval.

Next Steps:

After the agreement of the Principals, Region 4 will respond to DOE's proposal with this path forward and a table with the instream water quality values and assumptions used to calculate the values. DOE stated they will start evaluating the proposal immediately and provide a response to the EPA as soon as possible to ensure all parties agree. At that point, DOE will revise the FFS, the draft ROD and the fact sheet for EPA and TN's review.